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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

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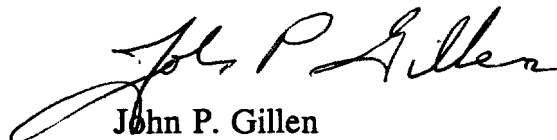
Re: Proposed Amendment of FM
Table of Allotments

Dear Mr. Caton:

Transmitted herewith, on behalf of John P. Gillen are an original and four copies of a Petition for Rulemaking.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with the undersigned.

Very truly yours,



John P. Gillen
12314 Dixie Drive
Bishopville, Maryland 21813

No. of Copies rec'd 024
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
Berlin, Maryland)

MM Docket No.
RM-

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To: Mr. John A. Karousos
The Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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PETITION FOR RULEMAKING

John P. Gillen ("Petitioner"), is a U.S. citizen with no Broadcasting Interest or Holdings. The Petitioner is a long time local resident within the Predicted 1 Millivolt Contour of the proposed station. Hereby petition the commission to institute a rulemaking proceeding to amend the table of FM allotments 73.202 (b), pursuant to section 1.420 (1) of the commission's rules. The petitioner seek to amend the FM table of allotments in the above captioned communities to permit the following. To establish channel 235A at Berlin, Maryland as that communities's second FM service. The proposed change in the rules is summarized as follows:

<u>City</u>	<u>Channel Number</u>	
	<u>Present</u>	<u>Proposed</u>
Berlin, Maryland	280A	280A, 235A

This proposed allotment, channel 235A at Berlin, Maryland is in full compliance with the commission's spacing requirements.

- (1) The proposed new community of license Berlin, Maryland is situated on the Maryland Eastern Shore and is part of Worcester County, Maryland. Section 307(b) of the Communications Act of 1935, as amended, requires that the Commission fairly, equitably, and efficiently distribute frequencies...among the several states and "communities." The commission has defined "communities" as geographically identifiable population groupings. Generally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to satisfy its status. Berlin, Maryland is incorporated and is listed in the U.S. Census. Berlin, Maryland has its own post office and zip code 21811. Enclosed and shown as Exhibit II is a population count of the area, and economic profile from the commission on economic development and Berlin, Maryland Chamber of Commerce. The commission has established that Berlin, Maryland is an acceptable "community of license" with the assignment of Radio Station WOCQ(FM) Channel 280A. No new showing of community status should be required. Berlin, Maryland has been determined to be a "community" within the meaning of the rules.
- (2) Petitioner will work with the City of Berlin and Worcester County governmental agencies, Churches clubs and civic organizations. The Petitioner will meet and exceed its obligation of providing public affairs and public service programs.
- (3) Should the commission implement the proposed rule making. The petitioner will file an application of F.C.C. Form 301.

- (4) The attached engineering statement, shown as Exhibit 1, is based on a spacing study, performed by Data World Inc. of Bethesda, MD 20814. This study was done on both the Data World and F.C.C. Data Base as of February 17, 1995. The study shows the proposed allocation meets all the minimum distance requirement as outlined in commission rules 73.207.

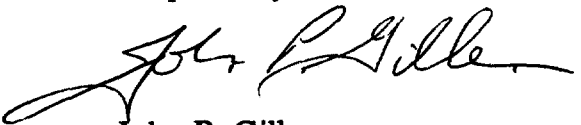
The petitioner has performed an exhaustive channel search of the area.

- (5) With regards to section 1.52 of the commissions rules the petitioner has enclosed an affidavit.

CONCLUSION

It is respectfully requested that the commission amend the FM Table of Allotments as requested. The petitioner feels this change would be in the public interest.

Respectfully submitted,



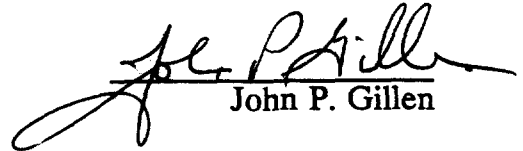
John P. Gillen
12314 Dixie Drive
Bishopville, Maryland 21813

March 20, 1995

AFFIDAVIT

I, John P. Gillen of 12314 Dixie Drive, Bishopville, Maryland 21813, state the following:

1. I certify that, to the best of my knowledge and belief, all of the statements are true, correct, complete, and made in good faith.


John P. Gillen

Subscribed and sworn to before me this 27 day of March 1995.


Notary Public

PATRICIA A. MCMULLEN
Notary Public, State of Maryland
Qualified in Worcester County
My Commission Expires: Commission Expires December 1, 1997

EXHIBIT I

ENGINEERING STATEMENT

This Engineering Statement in support of a Petition For Rule Making to amend the Table of FM Assignments, Section 73.202(b), to allocate Channel 235A at Berlin, Maryland. It is proposed to amend the Table of FM Assignments as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Berlin, Maryland	280A	280A, 235A

A channel study was made to determine whether an Allotment could be made on the proposed channel which would comply with the Commission's minimum separation requirements of Section 73.207 of the Rules and Regulations. This study showed that Channel 235A would meet these separation requirements. The reference coordinates relied upon are as follows.

North Latitude: 38°	13 ' 00
West Longitude: 75°	11 ' 00

Table I is a list of existing stations, applications, allocations and proposed Rulemakings of co-channel and adjacent channel assignments pertinent to allocating Channel 235A to Berlin, Maryland. The tabulation of distances shown in this Table were calculated by the methods prescribed in Section 73.208 of the Commission's Rules and Regulations, using the above reference point.

Figure 1 is a map showing the reference site and depicting the area where a station operating on Channel 235A could be located and meet all the separation requirements. Within this area of transmitter site can be chosen to provide principal community service field strength of 3.16 mV/m (70 dBu) over the entire city of Berlin, Maryland.

A Class A facility may operate with maximum facilities of 6 kW ERP and antenna HAAT of 100 meters. With these facilities, the predicted distance to the 70 dBu (principal community) contour will extend to a distance of 16 kilometers. Section 73.315(a) of the FCC Rules And Regulations requires that the 70 dBu contour must encompass the boundaries of the principal community to be served. As shown in Figure 1, operation from the reference site with 6 kW ERP and 100 meters HAAT, the proposed operation will provide the requisite coverage to Berlin, Maryland in accordance with the provisions of Section 73.315(a) of the FCC Rules And Regulations.

The results of these studies show that Channel 235A Can be assigned to Berlin, Maryland consistent with the requirements of the Commission 's Rules and Regulations.

The petitioner feels important to point out that Channel 232A, at Salisbury, Maryland (WICO-FM) was allotted to Cambridge, Maryland, MM Docket 84-1043 see 50 FR 34466, August 26, 1985. This allotment was Graded A (CP) construction permit on June 20, 1990. It's had to understand almost five years later this Channel is still at Salisbury, Maryland (WICO-FM).

FM Spacing study

Title: BERLIN, MD
Channel 235A (94.9 MHz)
Database: DW 02/15/95

Latitude: 38-13-00
Longitude: 75-11-00
Safety zone: 30 km

Call	Auth Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WICO-FM LIC	PRETTYMAN BROADCASTING C	232A	3	38-21-39	293.1	41.15	31
SALISBURY	MD BLH-830128AJ	94.3	91	75-37-00	112.8	10.15	CLOSE
Deletion proposed; DOC-84-1043; ORDERED TO 248A; Affiliated with WICO(AM)							
WICO-FM CP	PRETTYMAN BROADCASTING C	232A	3	38-21-39	293.1	41.15	31
SALISBURY	MD BPH-850927IF	94.3	100	75-37-00	112.8	10.15	CLOSE
Deletion proposed; CP Granted 10/06/86; CP Granted 10/06/86; ORDERED TO 248A; Affiliated with WICO(AM)							
WDAC LIC	WDAC RADIO COMPANY	233B	19	39-53-46	334.3	207.6	69
LANCASTER	PA BLH-880620KA	94.5	247	76-14-22	153.6	138.6	CLEAR
WDSD LIC	BENCHMARK RADIO ACQ FUND	234B	50	39-12-03	343.3	114.2	113
DOVER	DE BMLH-931129KC	94.7	115	75-33-55	163.0	1.189	CLOSE
Ant: Elec. Res. Inc. G5CPS-6AE; Affiliated with WDOV(AM)							
WJQI LIC	SUNSHINE WIRELESS CO., I	235B	50	36-48-38	212.1	183.8	178
VIRGINIA BEACH	VA	94.9	152	76-16-57	31.5	5.843	CLOSE
Was WNRN 03/03/87; Affiliated with WJQI(AM)							
WRSD LIC	RIDLEY SCHOOL DISTRICT	*235D	.014	39-53-12	356.1	185.8	
FOLSOM	PA BLED-830131AH	94.9	6	75-20-01	176.0		
Ant: Phelps Dodge ECFM-3							
WAYV LIC	RADIO WAYV, INC.	236B	50DA	39-22-51	25.9	144.0	113
ATLANTIC CITY	NJ BLH-880404KA	95.1	101	74-27-04	206.3	31.04	CLEAR
WDNO LIC	DENNIS N O'NEAL	237A	6	38-30-12	307.6	52.48	31
LAUREL	DE BLH-910930KF	95.3	100	75-39-39	127.3	21.48	CLEAR
Call Granted 08/29/89; Ant: Elec. Res. Inc. FML-4E							
WPGC-FM LIC	INFINITY BCG CORP. OF MA	238B	50	38-51-48	296.1	166.8	69
MORNINGSIDE	MD	95.5	152	76-54-38	115.0	97.82	CLEAR
Was WCLY 05/22/87; Affiliated with WPGC(AM)							
WLVW-FM LIC	HVS PARTNERS	288A	2.10	38-24-26	300.4	42.07	10
SALISBURY	MD BLH-870413KK	105.5	118	75-35-57	120.2	32.07	CLEAR
Was WDVH 12/02/91 per FCC release #172 dated 11/29/91							
WQSR LIC	AMERICAN RADIO SYSTEMS L	289B	50DA	39-19-26	316.5	170.9	15
CATONSVILLE	MD BMLH-911224KA	105.7	150	76-32-56	135.7	155.9	CLEAR
DA: Dielectric DCPB @ 0 deg; Affiliated with WBMD(AM)							

>> End of channel 235A study <<

FM Spacing study

Title: BERLIN, MD
Channel 235A (94.9 MHz)
Database: FCC 01/24/95

Latitude: 38-13-00
Longitude: 75-11-00
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WICO-FM LIC	Prettyman Broadcasting C	232A	3	38-21-39	293.1	41.15	31	
Salisbury	MD BLH-830128AJ	94.3	91	75-37-00	112.8	10.15	CLOSE	
WDAC LIC	WDAC Radio Company	233B	19	39-53-46	334.3	207.6	69	
Lancaster	PA BLH-880620KA	94.5	247	76-14-22	153.6	138.6	CLEAR	
ALLOC		234B		39-12-03	343.3	114.2	113	
Dover	DE	94.7		75-33-55	163.0	1.189	CLOSE	
WDSB LIC	Benchmark Radio Acquisit	234B	50	39-12-03	343.3	114.2	113	
Dover	DE BLH-891002KB	94.7	115	75-33-55	163.0	1.189	CLOSE	
ALLOC		235B		36-48-38	212.1	183.8	178	
Virginia Beach	VA	94.9		76-16-57	31.5	5.843	CLOSE	
WJQI-FM LIC	Radio WJQI, Inc.	235B	50	36-48-38	212.1	183.8	178	
Virginia Beach	VA BLH-840516DM	94.9	152	76-16-57	31.5	5.843	CLOSE	
WRSD LIC	Ridley School District	*235D	.014	39-53-12	356.1	185.8		
Folsom	PA BLED-830131AH	94.9	6	75-20-01	176.0			
ALLOC		236B		39-22-51	25.9	144.0	113	
Atlantic City	NJ	95.1		74-27-04	206.3	31.04	CLEAR	
ALLOC		237A		38-33-18	318.0	50.71	31	
Laurel	DE DOC-86-348	95.3		75-34-24	137.8	19.71	CLEAR	
Filing window 08/14-09/14/87 **CLOSED**								
WDNO LIC	Dennis N. O'Neal	237A	6	38-30-12	307.6	52.48	31	
Laurel	DE BLH-910930KF	95.3	100	75-39-39	127.3	21.48	CLEAR	
WPGC-FM LIC	Infinity Broadcasting Co	238B	50	38-51-48	296.1	166.8	69	
Morningside	MD BLH-6851	95.5	152	76-54-38	115.0	97.82	CLEAR	
WLVW LIC	HVS Partners	288A	2.10	38-24-26	300.4	42.07	10	
Salisbury	MD BLH-870413KK	105.5	117	75-35-57	120.2	32.07	CLEAR	
ALLOC		289B		39-19-26	316.5	170.9	15	
Catonsville	MD	105.7		76-32-56	135.7	155.9	CLEAR	

>> End of channel 235A study <<

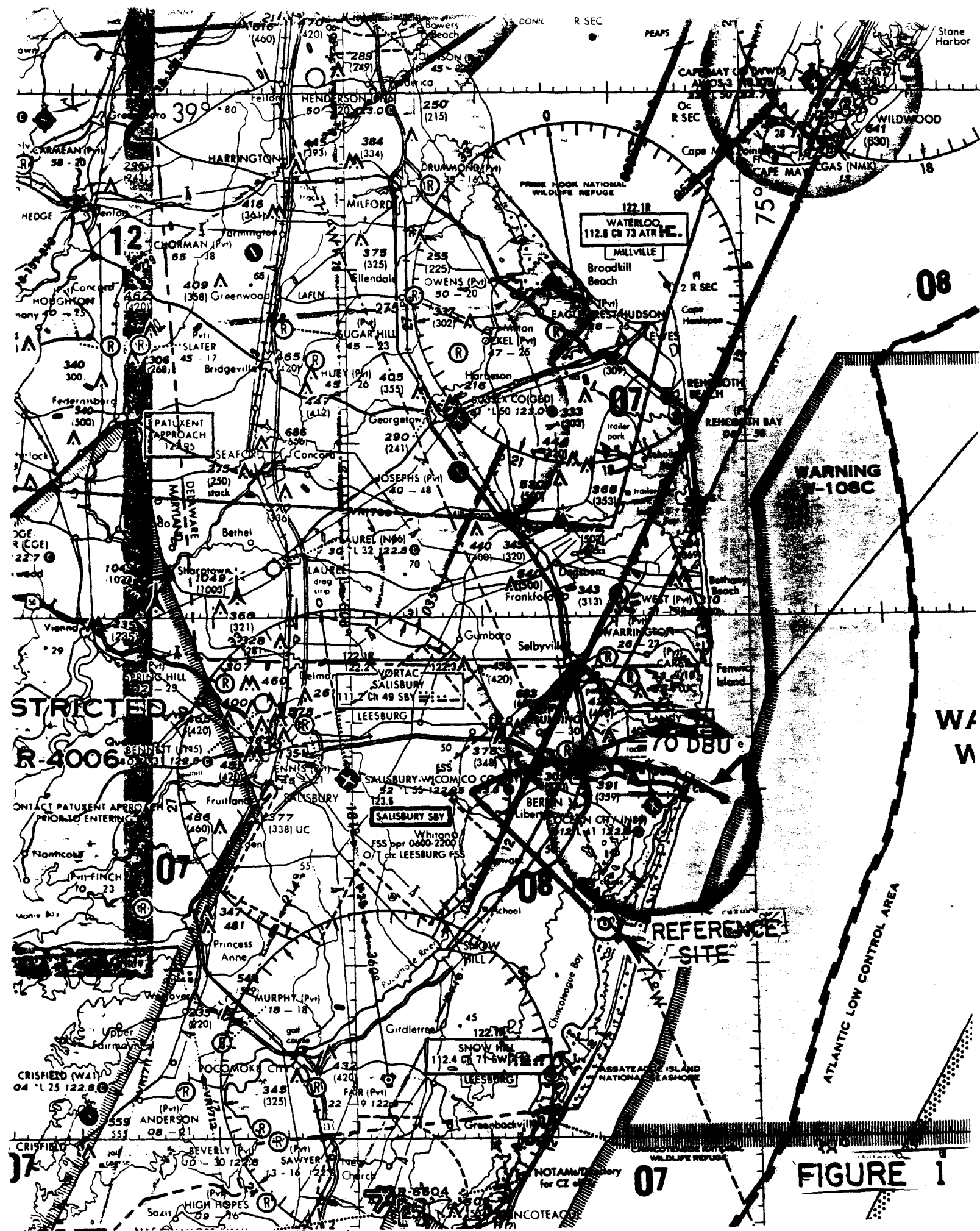


FIGURE 1

EXHIBIT 2



Berlin Chamber of Commerce

P.O. BOX 212

BERLIN, MD 21811

PHONE: 410-641-4775

John P. Gillen
12314 Dixie Drive
Bishopville, MD 21813

March 24, 1995
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APR 03 1995

Dear Mr. Gillen:

FCC MAIL ROOM

Thank you for your recent inquiry regarding Berlin. I have enclosed our Berlin brochure which tells you a little about our historic town. For lodging facilities in town, the Atlantic Hotel is a beautifully restored Victorian hotel on Main Street, 410-641-3589. The Holland House is a charming bed 'n breakfast located right off Main Street, 410-641-1956. Another bed 'n breakfast located right outside town is Merry Sherwood, 410-641-2112.

Berlin is a small town located approximately 15 miles west of Assateague Island, 8 miles west of Ocean City (a coastal resort) and 20 miles north of Snow Hill (our County Seat and another historic town).

There are several real estate agencies located in and around Berlin that will be glad to help if you are interested in relocating to this area. Two of these are listed below:

O'Connor Piper Flynn, P.O. Box 580, O.C., MD 21842, 410-641-5700
Bunting Realty, 24 Broad St., Berlin, 410-641-3313.

In addition to several medical and dental offices located in Berlin, the Atlantic General Hospital has now opened in town. This is a modern, well-equipped, 62 bed, acute care general hospital. For more specific information please contact the Hospital at 410-641-1100.

The following is a list of local papers and publications:

Berlin Citizen, 10101 Old O.C. Blvd., Berlin, 410-641-2033
Daily Times, P.O. Box 1937, Salisbury, MD 21802, 410-860-2700
MD Coastal Dispatch, P.O. Box 467, Berlin, 410-641-4561
Atlantic Publications, P.O. Box 479, O.C., MD 21842, 410-289-1909
The Beach Directory, P.O. Box 992, O.C., MD 21842.

Some of our local industries include:

Hudson Foods 410-641-0900 Kelly Foods 410-641-0331
Perdue - Berlin Feed & Grain Offices 410-641-2360
Sanofi Animal Health, Inc. 410-641-2060.

For information on our town's administration and business development please contact Jean Holloway at the Town Office, 410-641-2770. Also please contact Jean for updated information on demographics and the Town's economic profile.

There are several churches in our area. Three of these are located right in downtown Berlin. They are Stevenson United Methodist Church, Buckingham Presbyterian Church and St. Paul's Episcopal Church. Others include Tyree AME Church, First Baptist Church, Pentecostal Baptist Church, Faith Baptist Church, Church

of Christ, Church of God of Prophecy, Jehovah's Witnesses and New Bethel United Methodist.

Berlin has several schools including Buckingham Elementary (410-641-0454), Berlin Middle (410-641-3010), Stephen Decatur High School (410-641-2171), and a private K-12th grade school called Worcester Country School (410-641-3575). In addition to these, Salisbury State University (410-543-6006) is located approximately 20 minutes west of Berlin in Wicomico County. Worcester Community College (410-334-2800) has built a new facility in Salisbury but has an instructional center in Berlin.

For cultural activities, the Worcester County Arts Council publishes a newsletter and calendar of local events. This organization has opened a new office at 103 North Main St. in Berlin. The Globe Theater in town offers musical performances, etc. throughout the year. Concerts are held locally at the Wicomico Civic Center in Salisbury and the Ocean City Convention Hall. Salisbury State University offers university performances and there are community theaters in both Ocean Pines and Salisbury.

Several Berlin events are in the planning stages for this year. A 50th Anniversary Commemoration of the End of WWII is being held on Memorial Day weekend. This 3-day event will feature a military parade, a USO show, a special exhibit at the Calvin B. Taylor House Museum honoring local veterans, concerts and on Monday, an old-fashioned Memorial Day celebration.

Berlin's annual Village Fair will be held on the lawn of the Calvin B. Taylor House Museum and throughout town on Saturday, June 10th. This event includes crafts and entertainment for the entire family, a bathtub race down Main Street and a riding lawnmower parade.

The final weekend in September has been a busy one in Berlin for the last couple of years. Berlin will sponsor its third annual Fiddlers' Convention this September; this coincides with Ocean City's Sunfest Weekend. For the last two years the Fiddlers' Convention has been held on the porch of the Atlantic Hotel and has brought many people into town for the festivities. Also in the past the Chamber has sponsored a train ride on this same weekend from Selbyville, DE to Berlin to Snow Hill with different events taking place in each town.

The Berlin Fall Festival is sponsored by the Berlin Lioness Club and is always held the first Sunday in October. This event takes place at the Stephen Decatur Park in town and features crafts, food and entertainment for the entire family.

I have also enclosed a Worcester County brochure which tells you a little about some of the other attractions in our area. For more information on Ocean Pines and Ocean City you might like to contact their Chambers of Commerce at the following numbers:
Ocean Pines Chamber of Commerce 410-641-5306
Ocean City Chamber of Commerce 410-213-0552.

I hope this information will be of assistance to you. Thank you again for your interest in our town.

Sincerely,

Susan Taylor
Susan Taylor

DESCRIPTION OF THE TOWN AND COUNTY:

Berlin is located in Worcester County, Maryland's only county bordering the Atlantic Ocean. Situated about seven miles east of Ocean City, Maryland, Berlin has a population of 2,656 and an area of approximately 1,550 acres, about 73% of which is currently developed. The population increased by 454 people, or 21% from 1980 to the 1990 Census. During that same period approximately 236 new housing units were constructed.

Worcester County has a population of 35,028 and a land area of 74 square miles. It is bordered on the North by the State of Delaware and on the South by the State of Virginia. The Atlantic Ocean forms its eastern boundary, with Wicomico County and the Pocomoke river to the West.

In addition to the usual municipal services of water, sewer, refuse collection and police protection, Berlin also owns and operated its own electric utility, making it one of only five municipalities in Maryland with such an enterprise.

The Town has undergone considerable revitalization of its downtown historic commercial district in the last 5-10 years, through a joint effort between the public and private sector. The downtown and adjacent historic district is listed on the National Register of Historic Places, as are several individual buildings in Town. The Town has been designated a "Maryland Main Street Community" by the State, in recognition of its revitalization progress.

The Town's offices are located at 10 William Street, Berlin, Maryland, 21811 and the telephone number is (410)641-2770.

TOWN OF BERLIN

**ENVIRONMENTAL FINANCE CHARRETTE
COASTAL AND ENVIRONMENTAL POLICY PROGRAM**

February 4, 1993

I. GENERAL TOWN BACKGROUND:

A. Population - 2,656 - 1990 Census
1992. O. of St. Planning - 2,819

- 1) Racial composition:

68.0% white

30.7% black

.8% asian

.5% hispanic

100.0% TOTAL

- 2) Age:

Under 18 years - 636 or 24.3%

Over 65 years - 604 or 23.1%

- ### 3) Income levels:

Median Household Income \$ 24,167

Statewide	\$ 39,386
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Median Family Income \$ 30,256

Statewide **# 45,034**

Per Capita Income \$ 10,932

Statewide	\$ 17,730
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- #### 4) Housing Units:

Total units - 1,101

Households	-	970
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Persons per household - 2.51

Owner Occupied Units - 594

Renter Occupied Units - 376

Vacant/Seasonal Units -	131
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Median Value - \$ 73,800

Median Rent - \$ 292

SF Detached Units - 742

SF Attached Units	-	25
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MF Attached Units	-	314
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Mobile Home Units	-	20
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B. Development:

- 1) Land Area - 1,537 Acres
- 2) Developed - 73%
- 3) Zoned land use - 77% residential, 80% in use
13% commercial, 90% in use
10% industrial, 50% in use

C. Taxes:

- 1) Tax Base - \$ 37,894,188 (FY92-93)
- 2) Tax Rate - \$ 1.70 per \$ 100 assessed value (FY92-93)
- 3) Homestead Cap on owner-occupied residences - 7%
- 4) Real and Personal Property Tax Revenue - \$ 643,867

D. FY 92-93 Budget:

- 1) General Fund - \$ 1,133,380
- 2) Water Fund - \$ 156,700
- 3) Sewer Fund - \$ 498,000
- 4) Electric Fund - \$ 3,171,876
- TOTAL BUDGET - \$ 4,959,956

E. General Obligation Debt - \$ 6,993,820

F. Town Government and Organization:

- 1) Elected Body - Mayor as CEO and 5 Councilmembers
- 2) Administration - Administrative Director as CAO
- 3) Four Department Heads -
 - a) Public Works Superintendent - Streets, Parks, Sanitation, Building and Grounds Maintenance, Water and Sewer Treatment, Distribution and Collection Systems
 - b) Line Crew Superintendent - Electric Distribution
 - c) Power Plant Superintendent - Electric Generation
 - d) Police Chief - Police Department
- 4) Number of fulltime employees - 50

II. WASTEWATER SYSTEM BACKGROUND:

- A. Number of Users - 1,246
Residential - 1,080
Commercial - 166
- B. User fees - \$27.00 per month (FY 92-93)
\$30.00 per month (Projected, FY 93-94)

WORCESTER COUNTY



YOUNG & RUBICAM

Exploring Yesterday An



Our fields and marshes have turned up prehistoric artifacts and colorful remains of Indian villages here when English settlers first arrived. Today's explorer will find unique museums and restored homes, churches — even place names themselves — that bear witness to the county's fascinating past.

The towns of Worcester offer friendly welcome, pleasant accommodations and bountiful shore cuisine. Antiques galore, plentiful local produce and a wealth of original arts and crafts inspired by the natural scene invite you to take home a favorite souvenir...a reminder of the larger treasure here in Worcester County.



INDIAN COPPER BEADS AND PAINTPOT — Found along Nassawango Creek dating to 3000 BC.



FURNACE TOWN — Authentic 19th century iron-manufacturing site.



JULIA A. PURNELL MUSEUM — Trace centuries of Eastern Shore history and folkways in this fascinating collection in Snow Hill.



SNOW HILL
Founded in 1642, Snow Hill, the county seat, boasts three hundred years on the Pocomoke River, with many historic homes and churches that date back to those earlier years. Enjoy the town's charm and architectural



MAIN STREET, BERLIN — Highlighting the historic district is an elegant 19th century hotel restored to its former grandeur. Antique cars and carriages are exhibited frequently at festivals throughout the county.

BERLIN

Historic Berlin's newly restored downtown captures the charm of a turn-of-the-century main street. You'll catch the spirit of the era in the shops, hotel and the Calvin B. Taylor Museum's collection of local memorabilia. Close by are Stephen Decatur Park, harness racing and public golf courses. **Assateague State Park and Assateague Island National Seashore**, just east of Berlin, offer unique recreational opportunities. The miles of unspoiled beach, dunes and marsh are home to waterbirds, wildlife and the famous free-roaming pony herd. Enjoy camping, swimming, fishing, hunting and hiking in nature's coastal wilderness.



COSTEN HOUSE — Pocomoke City's restored Victorian showplace invites you to wander through its lovely garden.



ANTIQUES! ANTIQUES! ANTIQUES! — Shoppers in downtown Berlin

